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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN FRANCISCO DIVISION**

11 **UNITED STATES OF AMERICA,**

Case No. **CV11-6567 M**

12 Plaintiff,

13 v.

14 **DAVID H. HATAMI, D.C.,**

15 Defendant,

**WRIT OF CONTINUING
GARNISHMENT**

16 and

17 **CIGNA HEALTH AND LIFE
INSURANCE COMPANY,**

18 Garnishee.
19 _____/

20 TO: CIGNA HEALTH AND LIFE INSURANCE COMPANY
CT Corporation System
21 818 West Seventh Street, Suite 930
Los Angeles, CA 90017
22

23 YOU ARE HEREBY COMMANDED TO GARNISH FOR THE BENEFIT OF
24 THE UNITED STATES OF AMERICA ANY PROPERTY, INCLUDING **INSURANCE**
25 **PAYMENTS**, IN YOUR CUSTODY, CONTROL, OR POSSESSION IN WHICH THE
26 DEFENDANT-JUDGMENT DEBTOR HAS AN OWNERSHIP INTEREST.

27 The name, SSN XXX-XX-5738, and last known address of the person who is
28 the defendant-judgment debtor (hereinafter "debtor") in this action and whose property

1 is subject to this Writ are as follows:

2 DAVID H. HATAMI, D.C.
3 1746 Hamilton Avenue
4 San Jose, CA 95125

5 This Writ has been issued at the request of the United States of America to
6 enforce the collection of a civil judgment entered in favor of the United States against
7 the debtor for a defaulted student loan in the amount of \$186,021.66. There is a
8 balance of \$185,434.59 due on the judgment, which amount includes costs and
9 interest computed through October 16, 2019; interest continues to accrue until paid in
10 full.

11 The following are the steps that you must take to comply with this Writ. If you
12 have any questions, you should consult with your attorney.

13 1. Pursuant to 28 U.S.C. § 3205(c)(2)(F), if you have in your custody, control,
14 or possession any property of the debtor, including **insurance payments**, in which the
15 debtor has a substantial nonexempt interest, or if you obtain custody, control, or
16 possession of such property while this Writ is in effect, you must immediately withhold
17 such property from the debtor and retain it in your possession until you receive
18 instructions from the Court which will tell you what to do with the property. The United
19 States has requested that 25% of the sum of all insurance payments be withheld from
20 the defendant to be paid to the United States.

21 2. Pursuant to 28 U.S.C. § 3205(c)(2)(E), you are required to answer this Writ
22 within 10 days after service of this Writ upon you. You must answer the Writ even if
23 you do not have in your custody, control, or possession any property, including
24 insurance payments, of the debtor. Pursuant to 28 U.S.C. § 3205(c)(4), your answer
25 must state, under oath, the following information:

- 26 a. Whether or not you have in your custody, control, or possession, any
27 property owned by the debtor in which the debtor has a substantial
28 nonexempt interest, including nonexempt insurance payments;

- 1 b. a description of such property and the value of such property;
2 c. a description of any previous garnishments to which such property is
3 subject and the extent to which any remaining property is not exempt;
4 and
5 d. the amount of the funds you anticipate owing to the debtor in the future
6 and whether the period for payment will be weekly or another specified
7 period.

8 For your convenience, a form which addresses the above-requested information is
9 attached and may be used to Answer the Writ.

10 3. After you complete the answer under oath, pursuant to 28 U.S.C. §
11 3205(c)(2)(E) & (c)(4), within ten (10) days after service of this Writ upon you, you
12 must mail or deliver the original Answer bearing the original signature of the person
13 preparing the answer to the Court at the following address:

14 Civil Clerk, United States District Court
15 450 Golden Gate Avenue, 16th Floor
 San Francisco, CA 94102

16 At the same time that you mail or deliver the original answer to the Court, you must
17 also mail or deliver a copy of the original Answer to both the debtor and attorney for
18 the United States at the following respective addresses:

19 DAVID H. HATAMI, D.C.
20 1746 Hamilton Avenue
 San Jose, CA 95125

21 Michael Cosentino, Counsel for the United States
22 P.O. Box 129
 Alameda, CA 94501

23 Please note that the attached form Answer contains a certificate of service which
24 needs to be completed by the person mailing the copies of the answer to the debtor
25 and the attorney for the United States, and which needs to be filed along with the
26 Answer.

27 **IF YOU FAIL TO ANSWER THIS WRIT OR FAIL TO WITHHOLD PROPERTY**
28

1 IN ACCORDANCE WITH THIS WRIT, THE UNITED STATES MAY PETITION THE
2 COURT FOR AN ORDER REQUIRING YOU TO APPEAR BEFORE THE COURT TO
3 ANSWER THE WRIT AND TO WITHHOLD PROPERTY IN ACCORDANCE WITH
4 THE WRIT BEFORE THE APPEARANCE DATE. IF YOU FAIL TO APPEAR OR DO
5 APPEAR AND FAIL TO SHOW GOOD CAUSE WHY YOU FAILED TO COMPLY
6 WITH THIS WRIT, THE COURT WILL ENTER A JUDGMENT AGAINST YOU FOR
7 THE VALUE OF THE DEBTOR'S NONEXEMPT INTEREST IN SUCH PROPERTY
8 (INCLUDING NONEXEMPT DISPOSABLE EARNINGS). THE COURT MAY ALSO
9 AWARD A REASONABLE ATTORNEY'S FEE TO THE UNITED STATES AND
10 AGAINST YOU IF THE WRIT IS NOT ANSWERED WITHIN THE TIME SPECIFIED
11 HEREIN AND IF THE UNITED STATES FILES A PETITION REQUIRING YOU TO
12 APPEAR.

13 SUSAN Y. SOONG, Clerk
14 United States District Court
15 for the Northern District of California

16 Dated: 11/7/2019

17 By: 
18 Deputy Clerk Mark Romyn



DO NOT WITHHOLD THE EXEMPT PORTION OF THE EMPLOYEE'S EARNINGS

1. Earnings include any money (whether called wages, salary, commissions, bonuses, or anything else) paid for personal services, pension, or retirement. Vacation or sick pay is earnings subject to withholding as it is *received* by the employee.

2. Disposable earnings are different from gross pay or take-home pay. They are the earnings left after deducting the part which state or federal law requires an employer to withhold as mandatory deductions. Generally, these mandatory deductions are federal income tax, social security (FICA) tax, state income tax, state disability insurance, and payments to public employee retirement systems. Disposable earnings can change from pay period to pay period, whenever gross pay or required deductions change.

To determine earnings that¹ are eligible for withholding, and therefore must be withheld, see the chart below.

USE THE CHART BELOW TO DETERMINE NONEXEMPT DISPOSABLE EARNINGS AND THE APPLICABLE WITHHOLDING AMOUNT¹ :

Pay Period:	Weekly or oftener	Every 2 weeks	Twice a month	Once a month
Disposable earnings:	\$ 0 to \$217.50	\$ 0 to \$435.00	\$ 0 to \$471.25	\$ 0 to \$942.50
Withhold:	Nothing (entire earnings are exempt)			
Disposable earnings:	\$217.51 to \$290.00	\$435.01 to \$580.00	\$471.26 to \$628.33	\$942.51 to \$1,256.67
Withhold:	Amt. over \$217.50	Amt. over \$435.00	Amt. over \$471.25	Amt. over \$942.50
Disposable earnings:	\$290.01 or more	\$580.01 or more	\$628.34 or more	\$1,256.68 or more
Withhold:	25% of disposable earnings (balance is exempt)			

¹Based on the Federal Minimum Wage Earnings of \$7.25 an hour, effective 07/24/2009

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	
)	Case No. CV11-6567 M
Plaintiff,)	
)	
v.)	
)	
DAVID H. HATAMI, D.C.,)	
Defendant,)	
)	
and)	
)	
CIGNA HEALTH AND LIFE)	
INSURANCE COMPANY,)	ANSWER OF GARNISHEE
Garnishee.)	
_____)	

I, _____, being first duly sworn, hereby state the following:

1. I am the _____ (Official Title) of the Garnishee named in the above caption. I am authorized to prepare this Answer on behalf of the Garnishee.
2. The Garnishee was served with the Writ of Continuing Garnishment on _____ (date) in this action.
3. The Garnishee currently has custody, control, or possession of insurance payments payable to the Defendant. Yes____ No____
4. The Garnishee expects to obtain custody, control, or possession of insurance

1 payments payable to the Defendant in the foreseeable future. Yes____ No____

2 5. N/A

3 6. Are there any other garnishments currently in effect? Yes ____ No ____

4 If the answers is yes, describe below and attach to this Answer a copy of each
5 garnishment:

6 _____
7 _____
8 _____

9 7. Will the Garnishee owe the Defendant insurance payments in the foreseeable
10 future?

11 Yes ____ No____ If the answer is yes, provide the reason why such money will be
12 owed, the amount of money that will be owed, and the date or dates on which each
13 payment will be due:

14	Type of		
15	<u>Payment</u>	<u>Amount</u>	<u>Date Payment</u> <u>Will be Due</u>
16	1. _____	_____	_____
17	2. _____	_____	_____
18	3. _____	_____	_____

19 8. N/A

20 9. N/A

21 10. Does the Garnishee have any objections or defenses to the Writ of
22 Continuing Garnishment? Yes____ No____ If the answer is yes, list the nature
23 and basis of each objection and/or defense:

24 _____
25 _____
26 _____
27 _____
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On behalf of CIGNA HEALTH AND LIFE INSURANCE COMPANY, I hereby
certify under penalty of perjury under the laws of the United States of America that the
foregoing is true and correct.

Telephone # _____

Fax # _____

Dated: _____

By: _____

(Sign above and type or print name below)

1 CERTIFICATE OF SERVICE

2 I, _____, declare:

3 That I am a citizen of the United States and employed in the County of

4 _____, California; that my business address is

5 _____; that I am

6 over the age of eighteen years; and that I am not a party to the above-entitled action;

7 That on _____ (date), I deposited in the United States mail, in
8 envelopes bearing the requisite postage, a copy of:

9 **ANSWER OF GARNISHEE**

10 addressed to each of the following, at their last known addresses, at which place there
11 is service by United States mail.

12 DAVID H. HATAMI, D.C.
13 1746 Hamilton Avenue
14 San Jose, CA 95125

15 Michael Cosentino
16 Counsel for the United States
17 P.O. Box 129
18 Alameda, CA 94501

19 I have caused, or will cause, the original of the ANSWER OF GARNISHEE to be
20 filed in the United States District Court pursuant to the instruction for same in
21 paragraph # 3 of the Writ.

22 This Certificate was executed on _____ (date),
23 at _____ (city), _____ (state).

24 I certify under penalty of perjury that the foregoing is true and correct.

25 _____
26 (sign above the line and type or print name below)
27
28